



DEPARTMENT OF THE ARMY
JOINT PROGRAM EXECUTIVE OFFICE
FOR CHEMICAL AND BIOLOGICAL DEFENSE
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FALLS CHURCH, VA 22041-3203



CHARTER

DOD Chemical and Biological Defense Non-Standard Equipment Review Panel

- A. Official Designation:** This panel shall be designated the Department of Defense (DoD) Chemical and Biological Defense (CBD) Non Standard Equipment Review Panel (NSERP).
- B. Objective and Scope of Responsibilities:** To ensure that all DoD personnel and organizations engaged in non-military operations or civil support incident management/consequence management (IM/CM) activities related to chemical or biological (CB) agents use only equipment or countermeasures that have been proven through independent testing to be suitable for its intended purpose. In the absence of DoD or national standards relating to protecting against contamination, detection, or neutralization of CB agents, prior to procuring or making available any medical or non-medical material that has not already been adopted by DoD for civilian IM/CM operations, the CBD NSERP is the sole DoD body that can review and recommend such material for required approval. The CBD NSERP will fill a critical void supporting the Services' civilian and civil support IM/CM community until nationally recognized standards are in place.
- C. Authority/Effective Period:** In his March 12, 2004 memorandum on the procurement of CB defense equipment, the Assistant to the Secretary of Defense for Nuclear and Chemical and Biological Defense Programs [ATSD (NCB)] established this review panel. The panel will exist until nationally recognized standards are in place to guide DoD procurement of material required for IM/CM mission, or until rescinded by the ATSD (NCB).
- D. Membership:**
- (1) The Joint Program Executive Officer for Chemical and Biological Defense (JPEO CBD) has formally delegated the responsibility to Chair the CBD NSERP to the Director for Technology Integration in the Joint Program Executive Office for Chemical and Biological Defense.
 - (2) Permanent membership of the CBD NSERP includes representation from the Defense Threat Reduction Agency - Joint Science and Technology Office; Joint Program Executive Office for Chemical and Biological Defense; Joint Requirements Office for Chemical, Biological, Nuclear, and Radiological Defense; and the Deputy Undersecretary of Defense for Installations and Environment.
 - (3) The CBD NSERP will include ad-hoc members as advisors from the Services, other Government, or non-Government organizations, as determined necessary by the Chair, based on the particular issue under evaluation.
 - (4) All members of the CBD NSERP will be funded and supported by their own organizations.
- E. Operating Principles:**
- (1) All CBD NSERP recommendations will be focused on minimizing operational risks to the users and the recipients of authorized IM/CM actions executed by DoD organizations.
 - (2) The CBD NSERP will adhere to the procedures contained in the *Operating Procedures for CBD NSERP*, the purpose of which is to, "define and implement requirements and guidelines for Service application and Panel processing/review of requests for authorization to purchase and use incident management/consequence management material."

- (3) Only those cases where no approved standards exist will be referred to the CBD NSERP. Therefore, recommendations will rely upon the expert judgment and experience of the permanent members and advice from ad-hoc members. Panel recommendations forwarded for approval will be based on fact and independent test data; may depend on analogies to similar systems and basic physical principals; and may use results of modeling or simulation.
- (4) The CBD NSERP will make maximum use of draft standards in their deliberation process to assist in refining and finalizing related national standards.
- (5) Recommendations forwarded by the CBD NSERP to the JPEO CBD for decision will be a consensus opinion of the permanent panel members and will consider input from ad hoc advisor members. When consensus cannot be reached, the Chair will consult with the JPEO CBD for final resolution.

F. Responsibilities and Duties:

- (1) CBD NSERP
 - i. Within 30 days from receipt of a request to use a product or receipt of additional information requested by the CBD NSERP, the CBD NSERP will analyze the information and: 1) recommend for approval the use of the material as requested, 2) recommend, with rationale indicating why, the request should not be approved, or 3) request additional information be submitted to the panel in order to complete the review.
 - ii. If consensus of the permanent membership cannot be reached, the JPEO CBD will serve as the final arbitrator.
 - iii. The recommendation of the CBD NSERP shall be forwarded to the JPEO CBD for final decision and notification of the requesting DoD Agency/Service.
 - iv. The CBD NSERP will adjudicate all existing Chemical Biological Defense Equipment (CBDE) items the DoD Agencies/Services have procured and fielded without standards, as well as items procured – but not fielded.
- (2) Operating/Procurement Elements of the DoD Agencies/Services
 - i. Shall only possess material that meets CBD NSERP-recognized and approved national standards, as verified by independent civilian or Government testing (unless approved by the CBD NSERP), for civilian incident management/consequence management activities.
 - ii. Shall seek approval through the CBD NSERP process prior to procuring or making available for use any medical or non-medical material that does not have approved national standards associated with it.
 - iii. Shall only use material approved through the CBD NSERP-process, within the approved operational construct, and abide by any imposed limitations to ensure the material is safe, suitable, and effective.
 - iv. Shall provide a complete list of their existing and procured (fielded and unfielded) non-standard IM/CM, first responder, and emergency responder equipment purchased without standards to the review panel for adjudication by (date TBD.) After review by the CBD NSERP, if requested, submit to the panel corresponding technical and operational test data, documentation of test methods used, standards to which the item was purchased, safety of use data, and the operational concept for the specific piece of equipment.
 - v. Shall, for all future procurement, in accordance with submission process contained in the *Operating Procedures for CBD NSERP*, provide all data to the CBD NSERP that is required by the panel to make an informed recommendation. This includes, but is not limited to: all technical, operational, performance data, testing methodology and parameters from independent civilian or Government

sources. Additionally, submit information on the operational context and environment in which the material will be used and the hazards it is intended to mitigate.

- vi. Shall provide subject matter expertise to the CBD NSERP, as required by the Panel Chair and fund all costs associated with testing, providing data, procuring material, etc., as needed, to support CBD NSERP activities.
- vii. Shall elevate any disagreements with the decision of the JPEO CBD to the Joint Staff Arbitration Process as defined by CJCSI 3137.01C (12 November 2004) for final resolution.

G. Administration:

- (1) The CBD NSERP will meet, as necessary, upon the call of the Chair to review DoD Agency/Service requests. Within one week of submission by a requesting DoD Agency Service organization, the Chair will furnish advance notice of agenda items, method and meeting location, and all relevant background information and data.
- (2) The Chair is responsible for providing all administrative support to the CBD NSERP, including timely response to all requests with signature authority to transmit recommendations. All recommendations will be documented in writing and include supporting data and rationale. Recommendation documentation will include the scope of intended use and any limitations the CBD NSERP deems necessary to ensure that the proposed equipment or material is safe, effective, and suitable for the requested operational use and environment.
- (3) The Chair will keep the JPEO CBD informed of all recommendations. The office of the ATSD (NCB) will be informed of all requests and recommendations elevated to the JPEO CBD for final resolution.
- (4) The JPEO CBD will maintain a comprehensive list of adjudicated equipment and materials for DoD Agencies/Services to query. The list is accessed through the JPEO CBD website: www.jpeocbd.osd.mil.
- (5) If the CBD NSERP determines existing equipment does not meet specifications, then it will recommend appropriate courses of action that include the immediate discontinued use of equipment. If no suitable equipment or material exists, then the CBD NSERP may consider recommending interim use, until an approved replacement can be procured.

- H. Effective Date:** This charter is effective immediately, based on the authority of the ATSD (NCB) Memorandum of March 12, 2004, for the procurement of chemical and biological defense equipment. It will be reviewed and updated as required, but at least on an annual basis.